



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

BRIEFER COMMUNICATION.

THE PRUSSIAN STÄDTETAG.

The second meeting of the Prussian *Städtetag* held in Berlin January 22 and 23, 1899, discussed matters of grave importance and demonstrated the serious and intelligent interest of city officials in legislation on municipal affairs. The *Städtetag* is a purely voluntary association, which brings together the city officials from all parts of Prussia for the consideration of questions affecting the interests of their municipalities in general and particularly for the discussion and criticism of proposed laws affecting city affairs. Its sessions are designed to secure, so far as possible, unanimity of opinion among the representatives of the city governments of Prussia on the points at issue and then to bring their united influence to bear upon the Prussian and Imperial Parliaments. The first *Städtetag*, which was held in Berlin in 1897, proved so successful that it was decided to continue the organization and to call general meetings of delegates whenever the occasion should demand. At present the seventy-nine Prussian cities with a population of 25,000 are entitled to direct representation in the *Städtetag*, the number of their delegates varying, although not in exact proportion, with the size of the cities. Thus Berlin had nine representatives in the last *Städtetag*, while the smaller cities as a general rule sent two each. These delegates are elected in each city, half by the *Magistrat* (administrative board) and half by the city council. Thus the administrative and legislative branches of city government are given equal weight in the *Städtetag*. It is an unwritten law that the *Bürgermeister* shall be among those elected by the *Magistrat*. Besides these seventy-nine cities with direct representation, each of the thirteen provincial *Städtetage* in Prussia is entitled to send from one to four representatives to the national body. These provincial organizations, which are modeled closely after their national prototype, are also purely voluntary associations. Not only the larger cities but also cities with less than 25,000 inhabitants are however represented in them and the scope of their activities is more local in its nature. In choosing delegates to the national *Städtetag*, the provincial *Städtetage* almost invariably give the preference to officials from the smaller cities. Thus Prussian municipalities of all sizes were represented by the 182 delegates of the second *Städtetag*,

the larger cities directly, the smaller cities indirectly through their provincial organizations. From the foregoing it will readily be seen what an admirable instrument the national *Städtetag* is for making the interest of the municipalities felt in the political life of Prussia.

The first question which came before the recent session concerned the bill now pending in the Prussian parliament regarding the legal relations of municipal officials and employes to city and state. The main points at issue were its provisions concerning appointments and pensions. The opposition between the principle of municipal self-government and the principle of state control played a large part in the discussion. Oberbürgermeister Zweigert of Essen, who favored a further extension of state influence over the cities, maintained that "the supervisory officials of the state (*Aufsichtsbehörde*) must be in a position to interfere whenever a municipality grossly fails in its duty towards its civil servants. Members of the city council are too apt to say in fixing salaries: 'For this sum we can get any number of people. Municipal self-government does not mean absolute home rule; the cities must conform to the laws of the state. . . . Employes in the service of the cities are justified in their desire for a life tenure of office. 'Pull' plays a larger part in the municipal, than in the state civil service. The official must be protected against this influence. Police officials must be in a position to proceed against the most influential man in the community—even if he should happen to be president of the city council." On the other hand the point was emphasized that, were the state to compel the municipalities to appoint certain large categories of employes for life and to pay them unnecessarily high salaries while in office and pensions in case of their retirement, the cities would soon find themselves seriously hampered in many branches of their administration. Particularly would this be the case in those purely economic enterprises in which the city comes into competition with private corporations (street railways, gas and electric light works). The latter view finally prevailed and was embodied in the resolutions adopted by the *Städtetag*, which in substance are as follows:

1. The *Städtetag* expresses its satisfaction at the prospect of the passage of a law regulating pensions to be paid to the widows of city officials and employes. Numerous cities have already undertaken the payment of such pensions voluntarily. What the proposition contemplates is simply an extension of the system, now established by law in Prussia, of pensioning retired municipal officials. It corresponds to the general idea of right and justice and is fully in harmony with the best interests of municipal self-government.

2. To dissipate uncertainty regarding tenure of office, a law should

be passed prescribing written forms of certificates of appoint to positions in the municipal service. Said certificate should expressly state whether the appointment is made on trial, temporarily, or for a term of apprenticeship to enable the appointee to prepare himself for future active service. If the appointment is a permanent one, the certificate shall state whether it is made for life or may be terminated upon notice.

3. In the following classes of the municipal civil service the city should not be compelled by the state to make appointments for life, but should be left free to conclude contracts terminable on notice.

(a) Municipal officials and employees who devote only a part of their time to their official duties.

(b) Municipal employees whose services are purely mechanical or subordinate in their nature. (Policemen, police sergeants, messengers, etc.)

(c) Those employed by the city for technical, scientific or artistic purposes.

(d) Employees in the industrial enterprises carried on by the city. (Street railways, gas, electric light and water works, etc.)

Only those who have attained their thirty-fifth year and have been more than five years in the service of the city should be eligible to appointment for life.

4. The maximum length of appointment on trial should be fixed at three years.*

5. The reservation on the part of state authorities of oversight and supervision, of the right to revoke their approval after it has once been given, to city ordinances containing specific provisions regarding appointments for life is absolutely incompatible with the interests of the municipal civil service and would tend only to disturb the relations existing between the city and its employees.

6. The city should be left entirely free to arrange its relations with those whom it employs for mechanical, technical, scientific or artistic purposes and with those whom it employs in its purely economic activities (see third above) by way of private contracts which confer no public authority on these classes of employees.

7. The city alone shall determine in the future as in the past the amount of the salaries to be paid its employees. Interference on the part of the state authorities of oversight and supervision in the matter of salaries shall not be permitted. Such interference would not only be exceedingly dangerous to municipal self-government but would also be destructive of all discipline in the municipal civil service.

* Exception to this rule should be made to avoid conflict with § 13 of the Militärnwärter-Gesetz of July 21, 1892.

8. Regarding the pensioning of retiring city officials the following regulations should be continued in effect:*

(a) That in fixing the amount of the pension the city is not bound to take into consideration the length of time spent by the retiring official in the service of the German Empire, the state or its administrative subdivisions, before entering the municipal service.

(b) That the municipality can make special agreements with their employes and officials regarding pensions. Agreements, however, which entirely shut out claim on pensions must be approved by the district commission. (*Bezirksausschuss*.)†

The question of the insufficiency of the meat supply in German cities next occupied the attention of the *Städtetag*. The present highly unsatisfactory condition of affairs in this regard has been brought about by the policy of the Agrarian party of practically excluding the importation of cattle and meat products into Germany on the ground that such prohibitive measures are necessary as a means of protection against tainted meats and cattle plagues. In this way the German agriculturists have secured a practical monopoly of the home meat and cattle market, the demands of which they are not fully able to supply. The consequent rise of prices has naturally been felt most severely in the cities. Stadtrat Weigert, of Berlin, speaking on this subject well expressed the views of his colleagues in the *Städtetag* in the following words:

“When Herr von Wangenheim‡ declared, as he had a perfect right to do, that he considered the question from the standpoint of the agriculturist, so have we, the representatives of the cities, a right to consider it from the standpoint of the consumer. We are concerned here with one of the most important of food products. It is a question of life and death for Germany whether or not her industrial population shall be in a position to procure a satisfactory and nutritious diet. Germany is no longer an agricultural country; it is predominantly an industrial country. Statistics show a continuous decrease in the country population and a growth in the number of those engaged in industrial and commercial pursuits. The interests of the latter classes demand lower prices of meat.”

It is evident from the foregoing that the dissatisfaction over the Agrarian policy is quite as great in German cities as it is in America

*Exception made to avoid conflict with § 107 of the Milit. Pens. Ges. of June 27, 1871, and Reichsgesetz of May 23, 1893.

† This body (*Bezirksausschuss*) forms part of the administrative machinery of the state in the subdivisions of the provinces. (*Regierungsbezirke*.) Resolution 8b therefore contains a reservation, although one of minor importance in favor of state control over city government.

‡ Prominent Agrarian leader in the Prussian *Landtag*.

whose export trade has been unfavorably affected by the prohibitions enforced in the interests of the German agricultural classes. The view of the *Städtetag* were expressed in resolutions whose substance is as follows:

The *Städtetag* recognizes the value of veterinary police regulations as a means of protection against cattle plagues. It is a matter of at least equal economic importance however that the meat supply should be sufficient and the prices of meat low enough to place this important article of diet within the reach of laboring classes in cities. The present high prices, which have their origin in the stringency with which the veterinary police regulations are enforced, make this impossible or extremely difficult. The *Städtetag* therefore favors a more restricted application of these regulations, which should be enforced only where the danger of infection is immediately present. Further, a uniform system of meat inspection for the whole empire should be established as soon as possible and both domestic and foreign meat products should be subjected to inspection.

The discussion over department stores which came next on the program, revealed by no means the same unanimity of opinion among the members of the *Städtetag* as was manifested in the consideration of the preceding question. Representatives who took the extreme *laissez faire* view of the subject introduced the following resolution:

"The carrying on of retail trade on a large scale corresponds to the general course of economic development. It is impossible to arrest this development by means of tax regulations and any attempt to do so would not only fail to secure the purpose aimed at, but would be followed by dangerous consequences."

On the other hand discriminating taxes of various kinds were urged by several members of the *Städtetag* as necessary for the protection of the smaller mercantile enterprises against the encroachments of the department store. One delegate proposed to make the establishment of large retail enterprises dependent upon concessions or franchises to be granted by the city. The wide differences prevailing in the commercial conditions of different cities was felt to be a serious obstacle to the passage of a general law on the subject. After a spirited debate compromise resolutions were adopted by the *Städtetag* the principal points of which are as follows:

1. No attempt should be made to arrest by legislation the development of the system of carrying on retail business on a large scale so far as this corresponds to the course of economic development as a whole.

2. Nevertheless justice and equity demand a reform in the taxation of industrial and commercial enterprises (*Gewerbesteuer*) such that the

amount of taxation may correspond to the economic importance and profits of the enterprises subject to taxation.

3. Owing to local differences in industrial and commercial conditions the details of such taxation should be left to the decision of the separate municipalities. The state should, however, define the principles underlying such taxation by a general law.

4. The state should withdraw the special advantages in the way of taxation at present enjoyed by corporations and should refuse in the future to grant the demands of corporations engaging in retail business on a large scale for special privileges, including demands for privileges in the form of association.

Besides discussing and passing upon the above questions, the *Städtetag* transacted its routine business and elected officers and committees for the next meeting—all in two sessions. The amount of work which it accomplished in so short a time bears evidence to the careful preparation made by its executive committee and to the business-like manner in which the delegates dealt with the questions submitted to them.

ROBERT C. BROOKS.

Halle a. S., Germany.